

## INDUSTRIAL SITE RECOVERY ACT

### CERTIFICATE OF LIMITED CONVEYANCE APPLICATION

An approval of an application for a Certificate of Limited Conveyance allows the applicant to sell or transfer up to one third the value of an industrial establishment without having to remediate the entire industrial establishment.

After approval of the Certificate of Limited Conveyance, but before completing the transfer, the applicant must file a complete General Information Notice, for the portion to be conveyed, remediate the portion to be conveyed and obtain a No-Further-Action approval for that portion. Please be advised, an approved Certificate of Limited Conveyance is valid for a period of three years after the issuance date.

The New Jersey Department of Environmental Protection (Department) will review the information submitted within this application and will issue a certificate of limited conveyance for the real property on which an industrial establishment is situated after the Department deems the following criteria to be satisfied:

1. Provide a description of the real property and an appraisal of the property to be transferred.

2. The sales price or fair market value of the real property to be conveyed, together with any other diminution in value to the remaining property as a result of this transfer, is not more than one-third of the total documented appraised value of the real property of the industrial establishment prior to the transfer;

3. The remaining real property continues to be an industrial establishment subject to the provisions of ISRA; and

- 4 Transfers or conveyances made pursuant to this section shall not exceed one-third of the value of the industrial establishment during the period of ownership of the applicant.

Note: The appraisal is only valid for one year prior to the submission of an application for a Certificate of Limited Conveyance.

Upon the Department's issuance of the certificate of limited conveyance, the owner or operator of an industrial establishment shall remediate the portion of the real property certified for transfer or conveyance prior to the transfer or conveyance. The remediation of the real property subject to the certificate of limited conveyance shall include any discharges from the remaining portion of the industrial establishment that have migrated or are migrating to the real property certified for conveyance.

If the Department disapproves the limited conveyance application, the owner or operator shall remediate the entire industrial establishment in accordance with ISRA should they wish to continue with the transfer of the property. If the owner or operator wants to withdraw from the ISRA process, they shall notify the Department, in writing, that the sale/transfer has been terminated.

The owner or operator of the industrial establishment shall remediate the remaining portion of the industrial establishment, or otherwise comply with the provisions of ISRA, upon the subsequent closing or transferring of ownership or operations of the industrial establishment.

An owner of an industrial establishment may, concurrent with or subsequent to a transfer or conveyance pursuant to N.J.A.C. 7:26B-5.7, transfer additional portions of the industrial establishment in excess of the permissible conveyance limitations listed above, provided the proposed transfer does not constitute a closing of operations or transfer of ownership or operations of an industrial establishment as defined at N.J.A.C. 7:26B-1.4. Please refer to N.J.A.C. 7:26B-5.7 for details on this procedure.

**The following directions correspond to the questions on the application for a certificate of limited conveyance and are intended to ensure a complete and accurate application.**

#1. Provide the name and address of the industrial establishment subject to this filing. This information should be identical to the information supplied on the ISRA General Information Notice previously submitted to the Department or the General Information Notice which accompanies this application. If a General Information Notice has previously been filed with the Department, please provide the case number. Also, please indicate whether any previous filings for a certificate of limited conveyance have been made and, if applicable, supply a copy of each certificate approved by the Department.

#2. Provide a description of the real property to be transferred. Also provide a scaled site map of the industrial establishment that identifies the real property on which the industrial establishment is situated, including any improvements, and the portion of the real property subject to the proposed transfer, including any improvements, and any areas previously conveyed pursuant to this limited conveyance provision.

#3. Provide the date of the appraisals of the industrial establishment. Provide the name of the individual or firm which completed the appraisals of the industrial establishment. Also provide a copy of an appraisal of the entire industrial establishment, an appraisal of the real property to be transferred and an appraisal of the remaining real property if the certificate of limited conveyance were issued. The appraisals required by this section shall not be made more than one year prior to the submission of the application for a certificate of limited conveyance and shall be conducted by a designated Member, Appraisal Institute (American Institute of Real Estate Appraisers), Senior Real Estate Analyst (Society of Real Estate Appraisers), or Senior Member (American Society of Appraisers);

Also provide the sales price or fair market value of the real property to be transferred;

#4. Provide a copy of the sales agreement specifying the agreed upon sales price for the real property presently proposed for conveyance or, in the case of an acquisition by a condemning authority where no agreement has been reached, an affidavit from the owner specifying the compensation, including any damages sought by the owner, and the current appraised value.

#5 List any additional information as attachments to support the certification.

#6. The application shall be accompanied by a certified check, attorney check, money order or a personal check (if received sixty (60) days prior to issuance of the document) made payable to the Treasurer, State of New Jersey, for \$500. The fee is non-refundable and is used to cover NJDEP processing, review and administrative costs. Please be advised this \$500 fee is for processing of the application for a Certificate of Limited Conveyance only. A separate fee (Initial Notice Review Fee) shall accompany the ISRA General Information Notice. An ISRA fee schedule has been provided for your convenience.

The completed application must be signed and notarized (see the last page of the application for the certification requirements) and submitted to the following address:

Department of Environmental Protection  
Industrial Site Evaluation Element/Applicability Section  
401 East State Street  
P.O. Box 432  
Trenton, N.J. 08625-0432

If you have any questions about the preparation of the application, please call the NJDEP, ISRA Applicability Section at (609) 777-0899.

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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
INDUSTRIAL SITE EVALUATION ELEMENT/APPLICABILITY SECTION  
P.O. Box 432  
TRENTON, NJ 08625-0432

INDUSTRIAL SITE RECOVERY ACT

APPLICATION FOR A CERTIFICATE OF LIMITED CONVEYANCE

The purpose of this application is to obtain the New Jersey Department of Environmental Protection's approval of a Certificate of Limited Conveyance pursuant to the Industrial Site Recovery Act, N.J.A.C. 7:26B-5.7. The Department may require the applicant to submit additional information and documentation to support the applicant's certifications contained in this application.

PLEASE TYPE OR PRINT

1. Industrial Establishment

Date: \_\_\_\_\_

Name\_\_\_\_\_

Street Address\_\_\_\_\_

Municipality \_\_\_\_\_ County\_\_\_\_\_

Tax Block No.(s)\_\_\_\_\_ Tax Lot No.(s)\_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ SIC Code \_\_\_\_\_

Owner(s):\_\_\_\_\_

Operators(s):\_\_\_\_\_

Is this site presently undergoing an ISRA Review. Yes\_\_\_\_\_ No\_\_\_\_\_ If yes, please provide the case number \_\_\_\_\_. If no, submit an ISRA General Information Notice and the required Initial Notice fee with this application.

Please provide the case number of former ISRA cases as applicable. No former ISRA review\_\_\_\_\_.

ISRA case number(s)\_\_\_\_\_.

Have Certificates of Limited Conveyance been issued for any portions of the Industrial Establishment? Yes\_\_\_\_\_ No\_\_\_\_\_. If yes, attach a copy of each certificate.

2. Please describe the property to be conveyed and provide a scaled site map which clearly identifies the industrial establishment and the portion to be conveyed. The scaled site map shall depict the total area of the industrial establishment and any improvements, total acreage to be conveyed and any improvements and any acreage previously granted a certificate of limited conveyance. (attach additional sheets as necessary)

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3. Please provide the following information and attach the three supporting appraisals required to qualify for a Certificate of Limited Conveyance. Be advised, the appraisals must have been conducted no more than one year prior to submission of the application. Likewise, the Appraisal must have been conducted by a member of either the American Institute of Real Estate Appraisers, the American Society of Appraisers or the Society of Real Estate Appraisers.

A. Date of the Appraisals \_\_\_\_\_

B. Appraisals Conducted by:

Name: \_\_\_\_\_

Association: \_\_\_\_\_

Street Address: \_\_\_\_\_

Town: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

C. Total appraised value of the Industrial Establishment:  
\$ \_\_\_\_\_

D. Appraised value of the portion to be conveyed: \$ \_\_\_\_\_  
(may not exceed one third of the total appraised value)

E. Appraised value of the remaining property if the certificate of limited conveyance were issued: \$ \_\_\_\_\_

F. Sales price or fair market value of the real property to be conveyed \$ \_\_\_\_\_

4. As a separate attachment, a copy of the sales agreement specifying the agreed upon sales price for the real property presently proposed for conveyance or, in the case of an acquisition by a condemning authority where no agreement has been reached, an affidavit from the owner specifying the compensation, including any damages sought by the owner, and the current appraised value.

5. If applicable, list any additional attachments which are included with

this application to support the certification:

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6. Include a \$500 certified check, attorney check, money order or a personal check (if received sixty (60) days prior to issuance of the document) made payable to the Treasurer, State of New Jersey, for processing of this application for a Certificate of Limited Conveyance.

**CERTIFICATION:**

The following certification shall be signed by a duly authorized person pursuant to the requirements of N.J.A.C. 7:26B-1.6(e) as follows.

- a. For a corporation, by a principal executive officer of at least the level of vice president;
- b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- c. For a municipality, State, Federal or other public agency, by either a principal executive officer or ranking elected official.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate, or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of N.J.S.A. 13:1K-6 et seq., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-13.

Typed/Printed \_\_\_\_\_ Name \_\_\_\_\_ Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Sworn to and Subscribed Before Me

on this \_\_\_\_\_

Date of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary

Have you enclosed a check or money order for \$500? ☐ Yes ☐ No

Check Number \_\_\_\_\_

Have you included the original signature of the owner or operator? ☐ Yes ☐ No

Has the certification been properly notarized? ☐ Yes ☐ No

**Division of Responsible Party Site Remediation  
Industrial Site Recovery Act**

**INITIAL NOTICE FEE SUBMITTAL FORM**

Case # (if known) \_\_\_\_\_

Case Name (Active Case) \_\_\_\_\_

Check drawn from the account of \_\_\_\_\_ Check/M.O. # \_\_\_\_\_

Amount Enclosed \_\_\_\_\_

**Please circle the appropriate payment location(s)**

1.	General Information Notice	\$100.00
2.	Preliminary Assessment Report	\$250.00
3.	Site Investigation Report	\$500.00
4.	Negative Declaration Review	\$100.00
5.	Expedited Review Application●	\$250.00
6.	Remediation in Progress Waiver Application●	\$250.00
7.	Regulated Underground Storage Tank Waiver Application●	\$500.00
8.	Area of Concern Waiver Application●	\$200.00
9.	Limited Site Review Application●	\$450.00
10.	Applicability Determination Application	\$200.00
11.	De minimis Quantity Exemption Application	\$200.00
12.	Limited Conveyance Application●	\$500.00
13.	Remediation Agreement Application	\$1000.00
	Remediation Agreement Amendment Application	\$500.00
14.	Confidentiality Claim	\$250.00
15.	Remedial Action Workplan Deferral Application●	\$750.00

- This fee includes the costs of the Department's review of the General Information Notice required pursuant to N.J.A.C. 7:26B-3.2(a). Any person submitting this fee shall not be required to submit a separate General Information Notice fee.

**Note:** All applicable fees are due with the submission of each document. A case will remain with the Initial Notice Section up through the submission of a Remedial Investigation Report or the submission of a schedule to implement a Remedial Investigation or Remedial Action at Peril.